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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,874	07/07/2004	Serge Haumont	60091.00329	1172

32294 7590 01/25/2008  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
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8000 TOWERS CRESCENT  
TYSONS CORNER, VA 22182

EXAMINER
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BRANDT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2617

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01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/500,874	Applicant(s) HAUMONT, SERGE	
	Examiner Christopher M. Brandt	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This Action is in response to applicant's amendment / arguments filed on September 12, 2007. **Claims 1-2, 4-19** are currently pending in the present application. **This Action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments filed September 12, 2007 have been fully considered but they are not persuasive.

With regards to applicant's argument that Stille fails to the limitation, "wherein the selecting a gateway node for the mobile station on the basis of the partner information comprises checking on the basis of the partner information whether a mobile station is in the home network, in a predefined partner network of the home network, or in a network outside them; selecting the gateway network node of the home network if the mobile station is in its home network; selecting the gateway network node of the home network if the mobile station is in a predefined partner network of the home network; and selecting the gateway network node of a visited network if the mobile station is outside its home network or predefined partner mobile networks of its home network," the examiner respectfully disagrees. First of all, taking the reasonable broadest interpretation, the claim only requires, "checking on the basis of the partner information whether a mobile station is in the home network, in a predefined partner network of the home network, *or* in a network outside them," (emphasis added). Therefore, if Stille satisfies one of these conditions, Stille rejects this limitation. Stille discloses this particular feature in paragraph 27 when Stille teaches that the IMSI provides information that specifies that the MT2 is not

visiting (i.e. in a predefined partner network), and the SGSN then has accessed information about which operator the MT2 is subscribed to and which home network the MT2 shall use. Second of all, Stille further discloses in paragraph 28 that if, however, an MT4 that is subscribed to an operator that is not one of the owners of the shared network (i.e. in a network outside them), the SGSN contacts a HLR of that MTs home network and uses the IMSI to find out that the MT4 is a visiting MT. It is further noted that in a conventional cellular network, one of the first procedures taken is determining the identity of the mobile station in order to properly provide service. Therefore, if it is determined that the mobile station is in its home network, the conventional cellular network proceeds as normal.

Second of all, the claims are written such that if the examiner finds the first condition, (i.e. selecting the gateway network node of the home network if the mobile station is in a predefined partner network of the home network), the claim is properly rejected since the claim contains if statements. In other words, if the first condition is met, the procedure ends. Stille discloses this feature / condition in paragraph 30 when Stille teaches that two of the MTs: 2, 3 are subscribed to operator A and operator B, respectively. The HLR:s 10, 11 are contacted and inform the SGSN 9 that the subscribers may use the APS:s 12, 13 that are chosen. Therefore, Stille discloses the limitation, "selecting the gateway network node of the home network if the mobile station is in a predefined partner network of the home network."

As a result, the claims are written such that they read upon the cited reference.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2, 4-19 are rejected under 35 USC 102(e) as being anticipated by Stille et al.**

**(US PGPUB 2002/0128028 A1, hereinafter Stille).**

Consider **claim 1 (and similarly applied to claim 5, 15, 16, and 19)**. Stille discloses method for selecting a gateway network node for a mobile station served by a serving network node, in a system where at least two network operators share a radio network and the serving network node, the system comprising at least two gateway network nodes (abstract, figure 2, paragraphs 6, 7), the method comprising

maintaining partner information about predefined partner networks, the partner information indicating that said network operators share the serving network node (figure 2, paragraphs 6-8, 21, read as route outgoing packets through the correct home network. In order for this to occur the information about the partner must be maintained. In addition, using information the shared radio network is utilized for determining which one of the shared radio network owners the visiting MT is going to be connected to(paragraph 12)); and

selecting a gateway network node for the mobile station on the basis of the partner information (paragraph 11, read as routing outgoing packets through the correct home network. In addition, the SGSN 9 then uses the DNS 22 to find out which GGSN:s 16, 17, 18, 19 that may be used, and switches the MT:s 2, 3 to the correct GGSN:s, 16, 17, 18, 19, establishing PDP contexts (paragraph 30)),

wherein the selecting a gateway network node for the mobile station on the basis of the partner information comprises: checking on the basis of the partner information whether a mobile station is in the home network, in a predefined partner network of the home network, or in a network outside them; selecting the gateway network node of the home network if the mobile station is in its home network; selecting the gateway network node of the home network if the mobile station is in a predefined partner network of the home network; and selecting the gateway network node of a visited network if the mobile station is outside its home network or predefined partner mobile networks of its home network (paragraphs 27, 28, and 30, read as that the IMSI provides information that specifies that the MT2 is not visiting (i.e. in a predefined partner network), and the SGSN then has accessed information about which operator the MT2 is subscribed to and which home network the MT2 shall use. Stille further discloses that if, however, an MT4 that is subscribed to an operator that is not one of the owners of the shared network (i.e. in a network outside them), the SGSN contacts a HLR of that MTs home network and uses the IMSI to find out that the MT4 is a visiting MT. It is further noted that in a conventional cellular network, one of the first procedures taken is determining the identity of the mobile station in order to properly provide service. Therefore, if it is determined that the mobile station is in its home network, the conventional cellular network proceeds as normal. Moreover, Stille teaches that two of the MTs: 2, 3 are subscribed to operator A and operator B, respectively. The HLR:s 10, 11 are contacted and inform the SGSN 9 that the subscribers may use the APS:s 12, 13 that are chosen).

Consider **claim 2 and as applied to claim 1**. Stille discloses wherein the partner information comprises direct or indirect indications of the network in which the mobile station is located, and of the home network of the mobile station (paragraph 28).

Consider **claim 4 and as applied to claim 1**. Stille discloses wherein the selecting a gateway network node for the mobile station on the basis of the partner information comprises checking on the basis of the partner information whether the mobile station is in a network that is a predefined partner network of the one belonging to its home network operator; and selecting the gateway network node of a visited network if the mobile station is in a network that is a predefined partner network of the one belonging to its home network operator (paragraphs 28, 30).

Consider **claim 6 and as applied to claim 5**. Stille discloses wherein the partner information is maintained in the serving network node to indicate the networks sharing the serving network node (paragraphs 21, 22).

Consider **claim 7 and as applied to claim 6**. Stille discloses wherein the serving network node is configured to compare the mobile network code/mobile country code of the mobile station, in connection with the context activation of the mobile station, with access point name operator identifiers stored for each network operator sharing the serving network node, said mobile network code/mobile country code indicating explicitly the home network of the mobile station and said access point name operator identifier indicating implicitly the partner information (paragraph 21).

Consider **claim 8 and as applied to claim 5**. Stille discloses wherein the serving network node is also configured to connect a mobile station located in a mobile network that is a predefined partner network of its home network to the gateway network node of the home network (paragraphs 27, 28).

Consider **claim 9 and as applied to claim 5**. Stille discloses wherein the partner information is maintained in a subscriber register (paragraph 21).

Consider **claim 10 and as applied to claim 9**. Stille discloses wherein the subscriber register is configured to check the partner information in connection with the location update of the mobile station; set the value of a "Visitor-PLMN address allowed"-flag to 'No' if the mobile station is in a predefined partner network of the home network; and indicate the value of the flag to the serving network node (paragraphs 21-27).

Consider **claim 11 and as applied to claim 5**. Stille discloses wherein the serving network node is also configured to connect the mobile station located in a predefined partner network of its home network to the gateway network node of the home network (paragraph 28).

Consider **claim 12 and as applied to claim 5**. Stille discloses wherein the subscriber register is configured to check the partner information in connection with the location update of the mobile station, the partner information comprising at least one network belonging to the home network operator; set value of the "Visitor-PLMN address allowed"-flag to 'Yes' if the mobile station is located in a network that is a predefined partner network of the one belonging to its home network operator; and indicate the value of the flag to the serving network node (paragraphs 21-27).



Consider **claim 13 and as applied to claim 5**. Stille discloses wherein the serving network node is also configured to connect the mobile station located in a predefined partner network of the one belonging to its home network operator to the gateway network node of the visited network on the basis of the partner information, the partner information comprising at least one network belonging to the home network operator (paragraph 28).

Consider **claim 14 and as applied to claim 9**. Stille discloses wherein the subscriber register is configured to compare the mobile network code/mobile country code of the mobile station with access point name operator identifiers stored for each network operator sharing the network in connection with the location update of the mobile station; and indicate the result of the comparison to the serving network node (paragraph 21).

Consider **claim 17 and as applied to claim 16**. Stille discloses further comprises a third routine for maintaining partner information (paragraphs 28, 30).

Consider **claim 18 and as applied to claim 16**. Stille discloses wherein the network node is the serving general packet radio service support node of a general packet radio service network (paragraphs 21, 27).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end

of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Brandt whose telephone number is (571) 270-1098.

The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Christopher M. Brandt

C.M.B./cmb

January 6, 2008

  
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SUPERVISORY PATENT EXAMINER  
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